

FILED

February 09, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States District Court
Western District of Texas
San Antonio Division

BY: MGR
DEPUTY

United States of America,
Plaintiff,

v.

Nancy Almaguer,
Defendant.

and

Wells Fargo Bank, N.A.,
Garnishee.

Case No. SA-19-CR-00905-DAE(2)

Ex Parte Application for Writ of Garnishment

The United States of America makes application pursuant to the Mandatory Victim Restitution Act (MVRA), 18 U.S.C. § 3613, and 28 U.S.C. §§ 3202 and 3205 to the Clerk of the United States District Court for the Western District of Texas to issue a writ of garnishment upon the property of the Defendant, who is a judgment debtor of the United States.¹ On November 29, 2021, the Court sentenced Defendant Nancy Almaguer to 18 months of imprisonment and three years of supervised release, a \$100.00 mandatory special assessment and \$52,604.52 in restitution after she pled guilty to one count of Conspiracy to Defraud the United States by Paying and Receiving Healthcare Kickbacks in violation of 18 U.S.C. § 371. (See JCC, Doc. No. 152). Upon Defendant's sentence, a federal tax type lien arose and was automatically and statutorily imposed on all of his property for collection of the outstanding restitution. See 18 U.S.C. § 3613.

The writ of garnishment is sought in connection with this criminal judgment in the amount of \$52,704.52 against the Defendant Nancy Almaguer, Social Security Number ***-**-7938,

¹ Applications for FD CPA writs are necessarily submitted *ex parte* without notice to judgment debtors and their insiders until after the process has been served on whomever is holding the subject property to prevent the transfer or dissipation of non-exempt assets. Once the United States certifies that process has been served, the *ex parte* restriction on this application and its related filings may be lifted.

whose last known address is in San Antonio, Texas 78261.² According to the records of the United States District Clerk for the Western District of Texas, the current principal balance of the judgment debt is \$52,704.52 as of February 8, 2022. The judgment bears interest at the rate of 0.290%.

Not less than thirty (30) days have elapsed since demand was made on the Defendant for payment of the debt, and the Defendant has failed to satisfy the debt. The Garnishee, its affiliates, successors, or assigns is believed to owe or will owe money or property to the Defendant, or is in possession, custody, or control of property of the Defendant, which property constitutes a substantial non-exempt interest of the Defendant.

The name and address of the Garnishee and/or its authorized agent is:

Wells Fargo Bank, N.A.
c/o Corporation Service Company
d/b/a CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701

Respectfully submitted,

ASHLEY C. HOFF
UNITED STATES ATTORNEY

By: /s/ Todd R. Keagle

TODD R. KEAGLE

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² Pursuant to Fed. R. Crim. P. 49.1, the defendant's social security number has been redacted to the last four digits and the Defendant's home address has been redacted to the city and state to prevent public disclosure. Upon request of the court, the full social security number and address will be provided *in camera*.

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